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Environment & Natural Resources Division

United States Department of Justice

Attorneys for the United States

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	IN EQUITY NO. C-125-MMD
)	Subproceeding: 3:73-CV-00127-MMD-WGC
Plaintiff,)	
)	PROPOSED AGENDA ITEMS FOR THE
WALKER RIVER PAIUTE TRIBE,)	STATUS CONFERENCE SCHEDULED
)	FOR JUNE 3, 2019
Plaintiff-Intervenor,)	
vs.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	
)	
Defendants.)	

1 The United States of America (“United States”) submits the following proposed agenda
2 to the Court for the upcoming Status Conference, scheduled for June 3, 2019. The United States
3 consulted with the other principal parties to prepare and submit this proposed agenda.

4 While the parties, including the United States, may not agree on the ripeness or timeliness
5 of each issue on this agenda, these are potential discussion points that some or all of the parties
6 believe should be discussed to some extent.

7 **PROPOSED AGENDA/DISCUSSION ITEMS:**

- 8
9 1. Minute Order 2483 concerning the Court’s receipt of requests for approval of
10 continuation of postcard service, pursuant to the Court’s *Order Discontinuing Service by*
11 *Postcard Notice* (ECF No. 2439).

12 The following requests for approval of continuation of postcard service will be
13 addressed: ECF Nos. 2442, 2443, 2444, 2445, 2449, 2472¹, 2474, 2481, and 2482.

- 14 2. Minute Orders 2484, 2485, 2486, and 2487 concerning the process for substitution of
15 parties (or requests to be removed from email notifications).

16 The following requests for substitution of parties (or requests to be removed from
17 email notifications) will be addressed: ECF Nos. 2434, 2452, 2458, 2460, and
18 2475.

- 19 3. Consideration of permitting organizations or entities who have appeared as a
20 “Represented Party,” to continue as an “Unrepresented Party,” if they so desire, by
21 receiving notice by email, but without acting pro se, in light of the fact that the Case
22 Management Order, Doc. No. 108, expressly provides that no defaults will be taken, as
23 does the Scheduling Order, ECF 2437. This issue is raised by Minute Order ECF 2491.

- 24 4. Discussion of whether the Walker River Irrigation District and the Nevada Division of
25 Water Resources may discontinue providing information to the United States and Walker

¹ ECF No. 2472 is labeled as “MOTION/Letter to be removed from email list, filed by Ann Marie Gable.” However, this filing appears to be a request for approval of continuation of postcard service.

1 River Tribe concerning changes in ownership of water rights now that service is
2 complete.

3 5. Such additional issues that may be identified subsequent to the filing of this agenda
4 and/or at the status conference.

5 6. Based upon the discussion of Agenda Items 1 through 5, determination of the next steps
6 to be taken with respect to the remaining litigation.

7 7. Confirmation of next status conference and/or informal meetings.

8 Dated: May 24, 2019

Respectfully submitted,

9 Eric Grant
10 Deputy Assistant Attorney General

11 Andrew "Guss" Guarino, Trial Attorney
12 Tyler J. Eastman, Trial Attorney
13 Indian Resources Section

14 David L. Negri, Trial Attorney
15 Natural Resources Section

16 By /s/ Andrew "Guss" Guarino
17 Andrew "Guss" Guarino

18 *Attorneys for the United States of America*
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Certificate of Service

It is hereby certified that on May 24, 2019 service of the foregoing was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

Further, pursuant to the *Superseding Order Regarding Service and Filing in Subproceeding C-125-B on and by All Parties* (Doc. 2100) at 10 ¶ 20, the foregoing does not affect the rights of others and does not raise significant issues of law or fact. Therefore, the United States has taken no step to serve notice of this document via the postcard notice procedures described in paragraph 17.c of the Superseding Order.

/s/ Andrew "Guss" Guarino